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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,932	08/23/2005	Michael Numminen	3670-56	4775
23117 7590 02/12/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER	
			LIU, HARRY K	
			ART UNIT	PAPER NUMBER
			3662	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/12/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,932	NUMMINEN, MICHAEL	
Examiner	Art Unit		
Harry Liu	3662		

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 January 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-12 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 12 January 2005 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/12/2005.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robbins et al. (US Patent 5973638)** in view of **Derneryd et al. (US Patent 6351243)**.

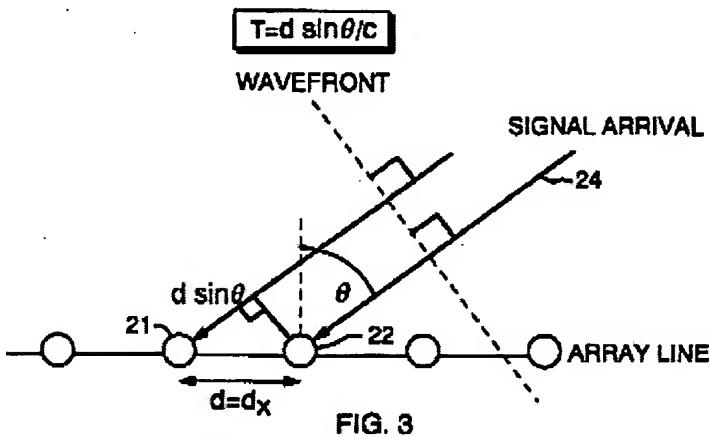
Considering **claims 1-2, 7-8**, Robbins discloses a smart antenna/**antenna array** channel simulator and test system with correlated effects for verifying the integrity (**calibrate**) of a smart antenna system by extracting the **temporal (different time intervals)** and **spatial** information of the signals of interest (main beam instead of side lobe) (**Abstract**). The signals that are received on the different elements of the antenna array are combined to form a single output (**the first value**). The direction in which the array has maximum response (**maximum point/gain**) is said to be the beam pointing direction (**column 7, lines 15-25**). The signal received over **time** at the different antenna elements of the array are weighted (**column 8, lines 25-27**).

Though Robbins does not specifically disclose the method of rejecting all values outside of the first range, It is known for people skilled in the art that **weighting** is a more effective way in nulling side lobe/interference than fixed/switched beam (**column 8, lines 13-15**) by **dynamically** assigning weight adjustment to each array while considering more factors like phase, amplitude, Doppler delay and multipath. Note that weighting is a known technique in

adaptive array by assigning weight (increase/decrease amplitude, phase shift, time shift etc.) on each array element for the purpose of filtering out undesired signals.

Given the teachings of weighting concept, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Robbins' antenna test system by individually turning off each antenna array to find the nulls and by turning off in between arrays to find the sweet overlap of main beams (**only outermost antenna remain**).

Doing so would get an antenna system that would transmit or receive signals mainly on main lobe instead of falling on side lobe.



Considering **claims 3, 4, 9, 10**, Robbins discloses the direction in which the array has maximum response is said to be the beam pointing direction. Thus, this is the direction in which the array has maximum gain (**column 7, lines 15-25**). This is finding the **maximum point** for the corresponding **angle** on main lobe. The A/D converter for converting analog to digital is used (see **Fig. 9A below**) for converting analog signals to digital signals.

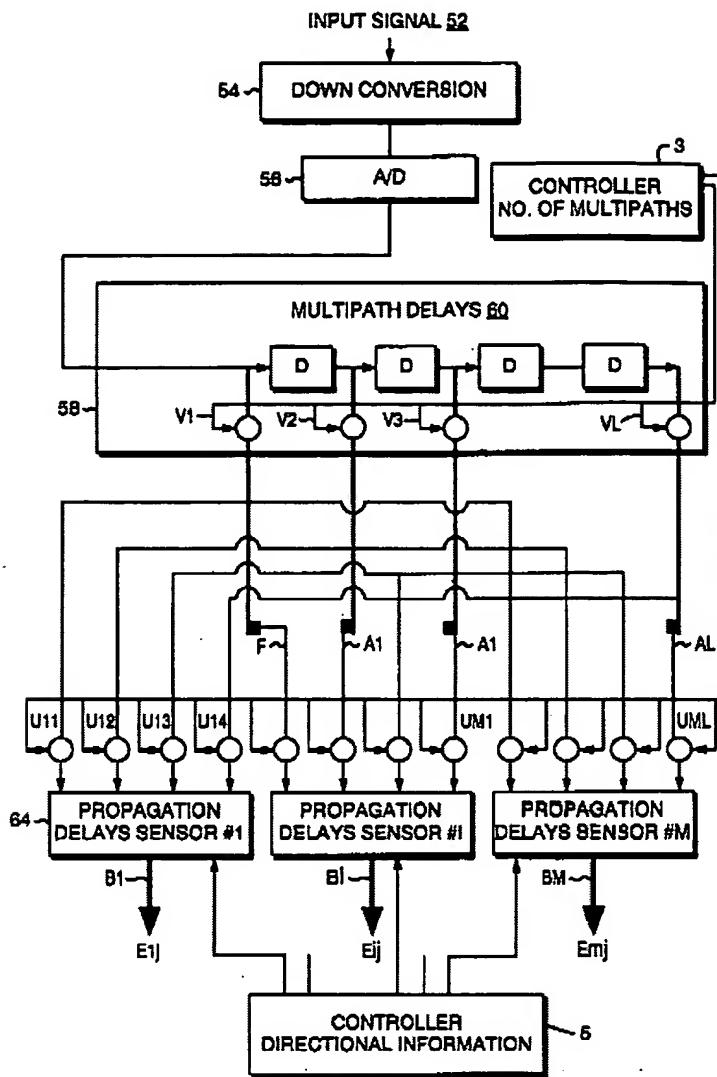


FIG. 9A

Considering claims 5, 6, 11, 12, Robbins discloses all claim limitation except for producing a radiation diagram from the values and have a relative distance such that no grating lobes (7) will occur when using all elements in a full array.

However, Derneryd discloses a sparse array antenna with sparse element grid in a one-dimensional scanned array or multi-beam array for finding the **distance** between elements in order to generate **no grating lobe** (Abstract). The steps of producing radiation pattern/diagram

are described (**column 4, lines 35-57**) and the distance of elements is also described (**column 2, lines 1-5**).

Given the teachings of Derneryd, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Robbins invention by producing radiation diagram from the value (amplitude) at corresponding angle and the distance between elements with no grating lobe.

Doing so would get an array antenna system that is capable of accurately radiates/receives signals while reducing undesired signals.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention. **Robbins et al, Derneryd et al.**

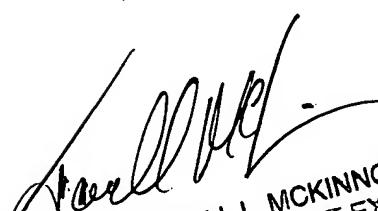
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry Liu whose telephone number is 571-270-1338. The examiner can normally be reached on Monday -Thursday and every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on 571-272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Harry Liu  
Examiner  
Art Unit 3662  
February 5, 2007



TERRELL L. MCKINNON  
SUPERVISORY PATENT EXAMINER